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10/672,367	09/26/2003	Rami Caspi	2003P08217US	3045

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EXAMINER	
MARSH, OLIVIA MARIE	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/672,367	CASPI ET AL.	
	Examiner	Art Unit	
	Olivia Marsh	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *9/26/2003*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 9-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Murray (U.S. 6,484,033 B2).

As to **claim 1**, Murray discloses a wireless communication system 10, reading on claimed "telecommunication system," for location based schedule management (column 3, lines 10-12). Murray also discloses a plurality of wireless communication devices 40, all reading on claimed "plurality of network clients," served by wireless communication system 10 comprises a device receiver 92 which is coupled to the device processor 98, reading on claimed "radio data network communication controller," that utilizes conventional signal processing techniques for processing received messages (column 6, lines 5-8) and a GPS receiver 79, reading on claimed "positioning controller," receives signals 81 broadcasted from a GPS system 77 which are processed by the device processor 98, also reading on claimed "positioning controller," to calculate the location of the wireless communication device 32 (column 8, lines 38-42), reading on claimed "a plurality of network clients including a positioning controller and a radio data network controller." Murray also discloses a system controller 24, reading on claimed

"positioning server," that stores a list of assigned addresses and correlated telephone numbers for each wireless communication 32 in subscriber database 67 (column 4, lines 42-45), reading on claimed "a positioning server including a coordinating controller for maintaining a database of network clients to be tracked." It is inherent the system controller 24 would comprise a controller or processor to control its operations. Murray also discloses the system controller 24 receives and decodes inbound messages such as a reply message 50, a query message 52, or a change notification message 54 received by the radio frequency receiver 28 via a receive antenna 56 on at least one inbound radio frequency (RF) channel 58 from one of the plurality of wireless communication devices 40 (column 3, lines 55-60) and the application server 76, reading on claimed "presence server," receives position and location information of the plurality of wireless communication devices 40 via a reply message 50 or included within any other inbound transmission message (column 5, lines 6-9), reading on claimed "provide updates of position-related information to a presence server" and "wherein said plurality of network clients are configured to transmit position information received via said positioning controller to said positioning server via said radio data network communications controller."

As to **claim 2**, Murray discloses everything as applied in claim 1 and Murray further discloses an update message 36 can be sent to the wireless communication device 32 to indicate to the device user 68, via the alert circuit 102 and/or display 104, that a match has occurred in Step 166, and that the device user 68 is possibly in a location too far from the upcoming event to allow the device user 68 to attend. The update message 36 can include the time of the upcoming scheduled event, the calculated distance from the event and the calculated time required to reach the event (column 10, lines 59-67), reading on claimed "wherein said plurality of network clients is adapted to receive positioning database related updates via said data network communications controller."

As to **claim 3**, Murray discloses everything as applied in claim 1 and Murray further discloses the wireless communication system 10 can function utilizing any wireless RF channel, for example, a one or two way pager channel, a mobile cellular telephone channel, or a mobile radio channel (column 3, lines 65-67; column 4, line 1), reading on claimed "radio data network communications controller comprises a cellular data network controller for transmitting on a cellular telephone data network to said positioning sever."

As to **claim 4**, Murray discloses everything as applied in claim 1 and Murray further discloses the wireless communication system 10 can function utilizing any wireless RF channel, for example, a one or two way pager channel, a mobile cellular telephone channel, or a mobile radio channel (column 3, lines 65-67; column 4, line 1), reading on claimed "radio data network communications controller comprises at least one of a CDPD controller, an SMS controller, a WiFi controller, or a two-way radio controller."

As to **claim 5**, Murray discloses everything as applied in claim 1 and Murray further discloses, as stated previously, the GPS receiver 79 receives signals 81 broadcasted from a GPS system 77 which are processed by the device processor 98 to calculate the location of the wireless communication device 32 (column 8, lines 38-42), reading on claimed "said positioning controller receives global positioning network signals for determining a position of an associated network client."

As to **claim 9**, Murray discloses everything as applied in claims 1 and 3 and Murray also discloses a server memory 152 for use in the application server 76 (column 10, lines 5-7) and the server memory 152 consists of a plurality of device information data slots 155 corresponding to the plurality of wireless communication devices 40, each device information data slot 157 containing their current information 111, as well as, a plurality of events 128 (column 10, lines 9-13), reading on claimed "presence server maintains a database of location and presence

correlation pairs for registered users." Murray also discloses, as stated previously, the application server 76 receives position and location information of the plurality of wireless communication devices 40 via a reply message 50 or included within any other inbound transmission message (column 5, lines 6-9), reading on claimed "receives location updates from said positioning server."

As to **claim 10**, Murray discloses everything as applied in claims 1 and 3 and Murray also discloses, as stated previously, the system controller 24 stores a list of assigned addresses and correlated telephone numbers, reading on claimed "location and presence correlation pairs," for each wireless communication 32 in subscriber database 67 (column 4, lines 42-45), reading on claimed "positioning server maintains a database of location and presence correlation pairs for registered users." Murray also discloses, as stated previously, the application server 76 receives position and location information of the plurality of wireless communication devices 40 via a reply message 50 or included within any other inbound transmission message (column 5, lines 6-9), reading on claimed "provides presence updates to said presence server."

As to **claim 11**, Murray discloses a wireless communication system 10 for location based schedule management (column 3, lines 10-12). Murray also discloses a plurality of wireless communication devices 40, all reading on claimed "telecommunications device," served by wireless communication system 10 comprises a device receiver 92 which is coupled to the device processor 98, reading on claimed "wireless data network communication controller," that utilizes conventional signal processing techniques for processing received messages (column 6, lines 5-8) and a GPS receiver 79, reading on claimed "positioning controller," receives signals 81 broadcasted from a GPS system 77, reading on claimed "a positioning controller adapted to determine positioning information for said telecommunications device," which are processed by

the device processor 98 to calculate the location of the wireless communication device 32 (column 8, lines 38-42), reading on claimed "a wireless data network controller adapted to receive said positioning information from said positioning controller." Murray also discloses a system controller 24 that stores a list of assigned addresses and correlated telephone numbers for each wireless communication 32 in subscriber database 67 (column 4, lines 42-45). Murray also discloses the system controller 24 receives and decodes inbound messages such as a reply message 50, a query message 52, or a change notification message 54 received by the radio frequency receiver 28 via a receive antenna 56 on at least one inbound radio frequency (RF) channel 58 from one of the plurality of wireless communication devices 40 (column 3, lines 55-60) and the application server 76, reading on claimed "an associated server," receives position and location information of the plurality of wireless communication devices 40 via a reply message 50 or included within any other inbound transmission message (column 5, lines 6-9), reading on claimed "cause said positioning information to be transmitted to an associated server."

As to **claim 12**, Murray discloses everything as stated in claim 11 and Murray further discloses, as stated previously, the GPS receiver 79 receives signals 81 broadcasted from a GPS system 77 which are processed by the device processor 98 to calculate the location of the wireless communication device 32 (column 8, lines 38-42), reading on claimed "positioning controller receives Global Positioning System (GPS) signals to determine said positioning information."

As to **claim 13**, Murray discloses everything as stated in claims 11-12 and Murray further discloses the wireless communication device 32 includes the device event management application 108 (column 7, lines 35-37), reading on claimed "rules database," which includes the backup list 85 and the event schedule 80 (column 7, lines 43-45) and the event schedule 80,

received from the application server 76 of the wireless communication system 10 identifies the device user 68 and the wireless communication device 32 for a particular event (column 7, lines 60-65), reading on claimed "a rules database of location and presence related information."

As to **claim 14**, Murray discloses everything as stated in claims 11-13 and Murray further discloses the application server 76 receives position and location information of the plurality of wireless communication devices 40 via a reply message 50 or included within any other inbound transmission message (column 5, lines 6-9), reading on claimed "wireless data network controller transmits changes to location and presence status to said associated server."

As to **claim 15**, Murray discloses everything as stated in claims 11-13 and Murray further discloses the application server 76 receives position and location information of the plurality of wireless communication devices 40 via a reply message 50 or included within any other inbound transmission message (column 5, lines 6-9), reading on claimed "wireless data network controller transmits changes to location to said associated server."

As to **claim 16**, Murray discloses everything as stated in claims 11-13 and Murray further discloses an update message 36 can be sent to the wireless communication device 32 to indicate to the device user 68, via the alert circuit 102 and/or display 104, that a match has occurred in Step 166, and that the device user 68 is possibly in a location too far from the upcoming event to allow the device user 68 to attend; the update message 36 can include the time of the upcoming scheduled event, the calculated distance from the event and the calculated time required to reach the event (column 10, lines 60-67), reading on claimed "wireless data network controller receives updates to said rules database from said associated server."

As to **claim 17**, Murray discloses everything as stated in claims 11-13 and Murray further discloses the wireless communication system 10 can function utilizing any wireless RF

channel, for example, a one or two way pager channel, a mobile cellular telephone channel, or a mobile radio channel (column 3, lines 65-67; column 4, line 1), reading on claimed "wireless data network communications controller comprises at least one of a CDPD controller, an SMS controller, a WiFi controller, or a two-way radio controller."

As to **claim 18**, Murray discloses a wireless communication system 10 for location based schedule management (column 3, lines 10-12). Murray also discloses the application server 76 performs event scheduling functions and management within the server event management application 82, using a server processor command 153 sent from the server processor 150, reading on claimed "local controller," and the server management application 82 sends a server application response 154 in reply to the server processor command 153 (column 9, lines 45-51). Murray also discloses the server event management application 82 compares the value of the current time 114 to a current information 111 for the wireless communication device 32 as defined by the event schedule 80, and sends the response when there is a match (column 9, line 67; column 10, lines 1-4), reading on claimed "receiving one or more user positioning and presence correlation rules at a local controller." Murray also discloses the system controller 24, upon receipt of the server command 84 from the application server 76, transmits the event schedule 80, task, or change to the plurality of wireless communication devices 40 (column 5, lines 28-31), reading on claimed "transmitting said one or more positioning and presence correlation rules over a wireless data communications network to a remote device."

As to **claim 19**, Murray discloses everything as applied in claim 18 and Murray also discloses a GPS receiver 79 receives signals 81 broadcasted from a GPS system 77 which are processed by the device processor 98 to calculate the location of the wireless communication device 32 (column 8, lines 38-42), reading on claimed "receiving positioning updates at said

remote device." Murray also teaches the application server 76 receives position and location information of the plurality of wireless communication devices 40 via a reply message 50 or included within any other inbound transmission message (column 5, lines 6-9) and the system controller 24 communicates a system request 86 to the application server 76 via the server interface 78 for changes to the event schedule 80, responsibilities, the backup list 85, and other event features (column 5, lines 31-35), reading on claimed "transmitting positioning updates to said local controller via said wireless data communications network as specified in said one or more positioning and presence correlation rules."

As to **claim 20**, Murray discloses everything as applied in claims 18-19 and Murray also discloses, as stated previously, the application server 76, reading on claimed "server including a local controller," receives position and location information of the plurality of wireless communication devices 40 via a reply message 50 or included within any other inbound transmission message (column 5, lines 6-9) and the system controller 24, reading on claimed "interface device," communicates a system request 86 to the application server 76 via the server interface 78 for changes to the event schedule 80, responsibilities, the backup list 85, and other event features (column 5, lines 31-35), reading on claimed "receiving one or more user positioning and presence correlation rules comprises receiving at a server including a local controller one or more rules set via a network interface device operably coupled to said local controller."

As to **claim 21**, Murray discloses everything as applied in claims 18-20 and Murray also discloses the plurality of wireless communication devices 40 calculate their position utilizing signals 81 broadcast from a GPS system 77 (column 5, lines 10-12), reading on claimed "receiving positioning updates comprises receiving one or more signals from a global positioning network."

As to **claim 22**, Murray discloses everything as applied in claims 18-19 and Murray also discloses the application server 76 receives position and location information of the plurality of wireless communication devices 40 via a reply message 50 or included within any other inbound transmission message and the plurality of wireless communication devices 40 calculate their position utilizing signals 81 broadcast from a GPS system 77 (column 5, lines 6-12), reading on claimed transmitting positioning updates from said remote device to one or more servers via said wireless data communications network."

As to **claim 23**, Murray discloses everything as applied in claims 18-19, and 22 and Murray further discloses the wireless communication system 10 can function utilizing any wireless RF channel, for example, a one or two way pager channel, a mobile cellular telephone channel, or a mobile radio channel (column 3, lines 65-67; column 4, line 1), reading on claimed "wireless data communications network comprises at least one of a CDPD network, a WiFi network, an SMS network, or a two-way radio network."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray as applied to claims 1 and 3 above, and further in view of Yugami (U.S. 2003/0027583 A1).**

As to **claim 2**, Murray discloses everything as applied in claims 1 and 3 and Murray further discloses the system controller 24 receives and decodes inbound messages such as a reply message 50, a query message 52, or a change notification message 54 received by the radio frequency receiver 28 via a receive antenna 56 on at least one inbound radio frequency (RF) channel 58 from one of the plurality of wireless communication devices 40 and each can be a data message (column 3, lines 55-63). However, Murray fails to disclose positioning server includes an e-mail message generator for communicating said updates to said presence server. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Yugami.

In the same field of endeavor, Yugami teaches an invention that relates to a mobile terminal device having a position information detection function and a method for notifying a base station of the position information (para. 2). Yugami also teaches the GPS unit 16 measures the current position of the mobile terminal device 10, and reads the current position information and the control unit 12 transmits the read data of the current position information as an e-mail message to an e-mail address, which is stored in the memory 13 in advance; then the control unit 12 transmits the e-mail message via the radio unit 11 (para. 21), reading on claimed

"positioning server includes an e-mail message generator for communicating said updates to said presence server."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication system and the positioning server, disclosed by Murray, the positioning server includes an e-mail message generator for communicating said updates to said presence server, as taught by Yugami, to obtain position information of the mobile user at arbitrary times and to output the obtained position information to an external device.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray as applied to claims 1 and 3 above, and further in view of Greene (U.S. 2002/0077080 A1).

As to **claim 7**, Murray discloses everything as applied in claims 1 and 3 and Murray further discloses the system controller 24 receives and decodes inbound messages such as a reply message 50, a query message 52, or a change notification message 54 received by the radio frequency receiver 28 via a receive antenna 56 on at least one inbound radio frequency (RF) channel 58 from one of the plurality of wireless communication devices 40 and each can be a data message (column 3, lines 55-63). However, Murray fails to disclose the positioning server includes an Instant Messaging message generator for communicating said updates to said presence server. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Greene.

In the same field of endeavor, Greene teaches a system for tracking the status and location of users of wireless devices and more particularly to a tracking system making use of the Internet and instant message (IM) technology (para. 1). Greene also teaches each wired or wireless device 11, 13 provides the capabilities to communicate with each other over the Internet including communicating IM messages amongst the wired or wireless device 11, 13 via

an IM server 19 (para. 15) and the wireless device 13 can repeatedly send position data to the IM server 19, which translates the position data into location tags and sends status update messages to the other wired or wireless devices 11, 13 (para. 19), reading on claimed "positioning server includes an Instant Messaging message generator for communicating said updates to said presence server."

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication system and the positioning server, disclosed by Murray, the positioning server includes an Instant Messaging message generator for communicating said updates to said presence server, as taught by Greene, in order to provide accurate and current location data for the mobile user to other applications and user within the wireless communication system.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murray as applied to claims 1 and 3 above, and further in view of Watanabe *et al* (U.S. 2004/0203894 A1).

As to **claim 8**, Murray discloses everything as applied in claims 1 and 3 and Murray further discloses the system controller 24 receives and decodes inbound messages such as a reply message 50, a query message 52, or a change notification message 54 received by the radio frequency receiver 28 via a receive antenna 56 on at least one inbound radio frequency (RF) channel 58 from one of the plurality of wireless communication devices 40 and each can be a data message (column 3, lines 55-63). However, Murray fails to disclose the positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server. The Examiner contends this feature was old and well known in the art at the time of invention as taught by Watannabe.

In the same field of endeavor, Watannabe teaches sending a single message to a paging location update server that updates the location of the mobile terminal and a domain area associated with the application (para. 11). Watannabe also teaches [para. 58]:

> The paging location update server 48 determines whether the L2 paging area is the same as the associated paging area to which the mobile terminal 24 is currently being associated or connected per step 100. If the areas are not the same then the process is repeated. If the areas are the same, then the current L2 location update and the current SIP address are sent to the paging location update server 48 per step 102. After the addresses are sent to the server 48, the server 48 determines if the current SIP domain area of the mobile terminal 24 is the same as the SIP domain area of the mobile terminal 24 where the L2 paging area is updated per step 104. If they are the same, then no action is necessary per step 106 since the SIP domain address is not updated. If the SIP domain area is not the same, then the server 48 sends a new SIP location of the mobile terminal 24 to a current SIP location server 62 where the mobile terminal 24 is located per step 108. *Reading on claimed "positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server."*

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to require the telecommunication system and the positioning server, disclosed by Murray, the positioning server includes a Session Initiation Protocol (SIP) message generator for communicating said updates to said presence server, as taught by Watannabe, to enable the network to keep track of the location of every attached mobile terminal with the accuracy of a geographical location area that is the same as the cellular network.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olivia Marsh whose telephone number is 571-272-7912. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CHARLES APPIAH
PRIMARY EXAMINER